

OCT 29 2004

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

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Total Number of Pages in This Submission

13

Application Number 10/844,457

Filing Date 08/20/2003

First Named Inventor Charles Buttenworth

Art Unit 3634

Examiner Name Hugh B. Thompson II

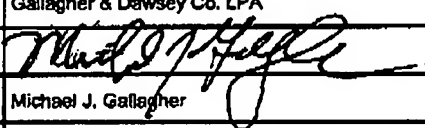
Attorney Docket Number 030717.002

**ENCLOSURES (Check all that apply)**

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| <input type="checkbox"/> Fee Transmittal Form                             | <input type="checkbox"/> Drawing(s)                                       | <input type="checkbox"/> After Allowance Communication to TC                            |
| <input type="checkbox"/> Fee Attached                                     | <input type="checkbox"/> Licensing-related Papers                         | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input checked="" type="checkbox"/> Amendment/Reply                       | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final                                      | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                        | <input type="checkbox"/> Power of Attorney, Revocation                    | <input type="checkbox"/> Status Letter  |
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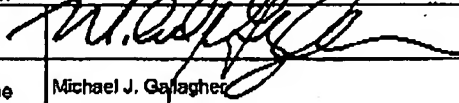
Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Gallagher & Dawsey Co. LPA		
Signature			
Printed name	Michael J. Gallagher		
Date	10/29/2004	Reg. No.	52,405

**CERTIFICATE OF TRANSMISSION/MAILING**

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Signature			
Typed or printed name	Michael J. Gallagher	Date	10/29/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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*RESPONSE TO OFFICE ACTION*  
*"Portable Tree Stand Having Seating and Standing Platforms Adjustable to the Tree Angle"*  
Serial No. 10/644,457  
Atty. Docket No. 030717.002  
Page 1 of 12

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Inventor: Charles Butterworth	)	
	)	
Serial No.: 10/644,457	)	Examiner: Hugh B. Thompson II
	)	
Filed: August 20, 2003	)	Art Unit: 3634
	)	
Title: Portable Tree Stand Having Seating and	)	
Standing Platforms Adjustable to the	)	
Tree Angle	)	
	)	
Date: October 29, 2004	)	
	)	
Atty. Docket: 030717.002	)	

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**RESPONSE TO OFFICE ACTION MAILED ON 10/7/2004**

**FILED BY FACSIMILE TO 703-872-9306**

10

Honorable Commissioner of Patents and Trademarks  
Mail Stop: Non-Fee Amendment  
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P.O. Box 1450

15 Alexandria, VA 22313-1450

Commissioner:

20 This communication is in response to a non-final Office Action mailed on October 7, 2004. As this communication is being submitted within the shortened statutory period for reply of three months, it is believed to be timely and no fee is required. Please enter this response to the above-captioned application as follows; (1) Claims 1-20 are pending in the application, and (2) Applicant kindly requests consideration of the amendments and remarks as follow directed to Claims 1-20.

**RESPONSE TO OFFICE ACTION**  
**"Portable Tree Stand Having Seating and Standing Platforms Adjustable to the Tree Angle"**  
**Serial No. 10/644,457**  
**Atty. Docket No. 030717.002**  
**Page 2 of 12**

### **INTRODUCTORY REMARKS**

In response to the Office Action mailed, October 7, 2004, Applicant acknowledges Examiner's indication of allowable subject matter and has amended claims 1, 9, and 15 to overcome the 35 USC §112 rejections. Applicant respectfully traverses all the rejections.

5 **Amendments to the Claims** begin on page 3 of this paper.

**Remarks** begin on page 11.